

Ramirez, Gregg

Subject: FW: Land Use Element Amendment Advisory Committee Agenda Packet - December 3, 2013
- Additional Correspondence

From: Paul Watkins [<mailto:paul@lawfriend.com>]

Sent: Monday, December 02, 2013 3:37 PM

To: Ramirez, Gregg

Cc: Wisneski, Brenda; Brandt, Kim

Subject: RE: Land Use Element Amendment Advisory Committee Agenda Packet - December 3, 2013 - Additional Correspondence

Dear Gregg:

Looking forward to our Land Use Element Amendment Advisory Committee meeting tomorrow (Tuesday, December 3) at 3:30 PM (Friends Room).

I have now reviewed the "Draft Goals & Policies".

I am certainly not an expert on AB 32 (Global Warming Solutions Act of 2006) and SB 375 (Sustainable Communities and Climate Protection Act of 2008).

However, in my view, the language proposed in many of the "Draft Goals & Policies" relating to these Acts seems to have a slight bias in the direction of mandated sustainability, energy reduction, water usage reduction, waste reduction, and grey water usage standards.

My concern (based on regrettable experiences in my practice) is that unless a city's goals/policies/strategies are properly qualified and applied, some of our proposed "Draft Goals & Policies" mandated standards relating to sustainability, energy reduction, water usage reduction, waste reduction, and grey water usage may be used by less-than-innocent folks to improperly block, delay, or deny well-qualified projects.

To this point, I have suggested in the attachment some "qualifiers" to the proposed "Draft Goals & Policies" relating to the Acts so that our City's policy makers can continue to make good discretionary judgments on projects guided by justified sustainability concerns but not handcuffed by them. My comments are in a "redline" format reflecting the changes I would propose to staff's recommended "Draft Goals & Policies".

Thank you for considering my input.

Sincerely,

Paul

PS I have a meeting in Santa Ana on Tuesday starting at 5:00 PM and will need to excuse myself a few minutes before 5:00 PM. Thanks, Gregg.

CITY OF NEWPORT BEACH; LAND USE COMMITTEE

Draft: "Goals & Practices"

(Paul Watkins' Suggested Revisions for Discussion at 12/03/13 Meeting)

LU 1.X Environmental Health

Promote reasonable sustainable land use and developmental practices which make efficient ~~that minimize the use of~~ non-renewable resources and reduce or reasonably control greenhouse gas emissions.

LU 1.X2 Healthy Population

Encourage reasonable ~~Promote~~ land use and development practices which reasonably consider ~~and may promote that contribute to~~ the physical health of Newport Beach's residents.

LU 1.X3 Compatible Land Uses

Require that the scale and massing of new development provide appropriate and reasonable transitions in building location, height, and bulk that are sensitive to the physical and visual character of adjoining neighborhoods which ~~that~~ have lower development intensities and building heights.

LU 2.X3 Locally-Grown Food

Promote the production and distribution of locally grown food by allowing a reasonable number of farmers markets, food cooperatives, and neighborhood or community gardens.

LU 3.2 Growth and Change

Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered ~~only in those areas that are economically are underperforming, are necessary~~ to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, reasonably reduce or control greenhouse gas emissions and reasonably reduce or control energy consumption, facilitate walking, bicycling, and transit uses, provide places for people to congregate and interact socially, or enhance the values that distinguish Newport Beach as a special place to live and work for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service. (Imp 1.1, 2.1, 5.1, 10.2, 16.2, 16.3, 17.1, 18.1, 19.1, 22.1, 23.1, 23.2)

GOAL

LU X

Land use development practices that encourage ~~contribute to~~ a sustained natural environment for use by future generations, economy, and well-being of Newport Beach's residents, while reducing or controlling greenhouse gas emissions to the extent possible or appropriate ~~and impacts on climate change.~~

Policies

LU X.X Regulating Sustainable Development

Encourage reasonable ~~Promote and, where appropriate, require new development and reconstruction comply with sustainable building practices incorporating a “whole system” approach to designing and constructing buildings which take into account and attempt to make efficient use of that consume less energy, water, and other resources, facilitate natural ventilation, use daylight effectively, and are healthy, safe, comfortable, and durable to the extent possible or appropriate.~~

LU X.X2 Existing Structure Reuse

Where reasonable, e~~Encourage the retention, adaptive reuse, and renovation of existing buildings with “green” building technologies to retain the structure’s embodied energy, increase energy efficiency, make it more energy efficient, and discourage~~limit the generation of waste.

LU X.X# Sustainable Sites and Land Development

Encourage reasonable ~~Promote~~ land development practices that make efficient use of ~~reduce~~ energy and water consumption, and reduce or control (i) pollution, (ii) greenhouse gas emissions, and (iii) waste generation incorporating such techniques as:

- ~~Concentrating and designing development to promote~~ encouraging walking, bicycling, and use of public transit as an alternative to automobile travel;
- ~~managing~~ Capturing and, where reasonable, re-using stormwater runoff on-site for irrigation and groundwater percolation;
- ~~to the extent possible, m~~ Managing wastewater and using recycled water, including encouraging the use of grey water;
- ~~reasonably o~~ Orienting buildings to promote ~~maximize opportunities for solar energy use, daylighting, and ventilation where possible or appropriate;~~
- ~~where possible and reasonable, u~~ Using landscapes that conserve water and reduce green waste;
- ~~where possible and reasonable, S~~ shading of surface parking, walkways, . And plazas; and/or
- ~~r~~ Recycling and/or salvaging for reuse of construction and demolition debris.

LU X.X5 Heat Island Effect

To the extent possible, reasonable, and appropriate, R~~reduce the “heat island effect” by promoting such features as reflective roofing, green roofs, light-colored paving, and reducing the unshaded extent of parking lots with a dense tree canopy.~~

LU X.X6 Orange County Sustainable Communities Strategy.

To the extent possible, reasonable, and appropriate, i~~implement practices for compact land development, mixed-use, and comparable approaches to attempt to achieve objectives for~~

reduction of vehicle trips and commute distances, air pollution, greenhouse gas emissions and energy consumption and improvement of public health consistent with applicable and appropriate policies of the Orange County Sustainable Communities Strategy (SCS) under SB 375 (Sustainable Communities and Climate Protection Act of 2008).

LU X.X7 Energy Efficiency

To the extent possible, reasonable, and appropriate, Strive attempt to achieve a 15% reduction in citywide energy use by 2020 implementing actions recommended in the City of Newport Beach Energy Action Plan (EAP).